

# **EXHIBIT C**

**Dalton, Amy**

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**From:** L. Timothy Fisher [ltfisher@bursor.com]  
**Sent:** Wednesday, November 09, 2011 6:08 PM  
**To:** Metanat, Morvarid  
**Cc:** Scott A. Bursor; Cooper, Monte; Sutton, Theresa A.; Dalton, Amy; Neal Deckant  
**Subject:** Re: Facebook v. Power-- Supplemental Production

Dear Counsel:

As agreed at the 11/4 hearing, we are providing instructions regarding how you may access the contents of Steve Vachani's Yahoo! email account and Power's AsaDrive online backup for inspection. As I indicated at the hearing, we are not waiving any privilege and request that you make a good-faith effort to avoid opening or reading any communications between Steve Vachani and his counsel. The instructions are below.

### **STEVE VACHANI'S YAHOO! MAIL**

As a preliminary note, these emails are subject to the protective order and are hereby designated as "Confidential - Attorneys' Eyes Only." In addition, we request that you keep a log of your search activities. At a minimum, please keep a record of (i) the name of the party conducting the search, (ii) the search terms being used, and (iii) a copy and description of any emails you review or save.

Instructions:

- (1) Go to <http://www.yahoo.com/> on a web browser.
- (2) Click on "Mail."
- (3) The username is "[vachani@yahoo.com](mailto:vachani@yahoo.com)" and the password is "zucked123"

### **POWER'S ASADRIE ONLINE BACKUP**

As a preliminary note, these documents are also subject to the protective order and should be designated as "Confidential - Attorneys' Eyes Only."

Instructions:

- (1) Go to <http://www.asadrive.com/downloads.php>. Download "AsaDrive for Windows." You do not want "AsaDrive Restore," because it cannot handle files over 2 GB.
- (2) Install the software.
- (3) You will probably need to set up port forwarding to connect to the server. AsaDrive does not publish the ports they use. Your IT staff should be able to do this. Either your IT staff can detect the ports the software is attempting to use, or they can simply enable all ports for the duration of the discovery process.
- (4) When you load the software, it asks for a username and password. Use "[vachani@yahoo.com](mailto:vachani@yahoo.com)" and "mike123" without quotes.
- (5) Go into the settings. Open the "Services" tab. Make sure the boxes on AsaDrive Online Backup and AsaDrive Online Drive are both checked.
- (6) Open the "Bandwidth" tab. You probably want to set it to max, as the default is rather low.
- (7) At the top of the "Options" menu, there is text that will either say "AsaDrive is running (click here for status)" or "AsaDrive is not running (click here to start)." Either way, click it. It will open a panel showing the files that are available to download.

### **"MISSING" DATABASES**

On November 3 and November 4, you sent us a series of emails regarding two database files that appear to have missing information. Specifically, you noted that the database "Async" does not contain any event logs after 11/23/08. You stated that the database "specifically omit[s]" the month of December 2008. In addition, you

noted that the database "Power\_Logger" has missing tables. You then asked us to provide these files immediately.

We have, in fact, produced every substantive database in our possession. We have investigated the cause of this apparent deficiency. We will summarize our findings below.

*"Async" does not contain event logs after 11/23/08*

The database "Async" contains event logs. To be clear, this database was not used to store critical user data (profiles, personal information, settings, passwords, etc.). Instead, the database stored logs that recorded and memorialized the activities of Power's servers. In this sense, these logs were not critical to the functioning of Power's website and core business model. Creating and maintaining these logs was costly and resource-intensive.

In November 2008, Power implemented several cost-cutting plans. One of these plans was to migrate the servers to a cheaper hosting service, iWeb. During this migration, Power made a business decision to cease its logging procedures on the new server. This decision was rooted in the high cost of such logging activities.

*Power\_Logger has missing tables*

The database "Power\_Logger" has missing tables. Similar to "Async," this is a log file. Accordingly, it does not contain critical information, but it does log the activities of Power's servers.

Power ceased its daily operations on April 2011. During this time, Power closed its server on iWeb. It then transferred its files onto a separate online backup. Nearly every file was transferred to the online backup. However, Power\_Logger was approximately 110 GB, which was too large to transfer to the backup. For this reason, Power omitted Power\_Logger from the backup. This decision was rooted on the infeasibility of backing it up with the rest of the files, as well as the minimal benefit of keeping this information. We have attempted to obtain this file from iWeb but were told it was removed from their servers.

Please let us know if you have any other questions.

Tim

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On Wed, Nov 9, 2011 at 4:37 PM, Metanat, Morvarid <[mmetanat@orrick.com](mailto:mmetanat@orrick.com)> wrote:

Tim,

Could you please confirm that sometime today you will be providing us with the means to access Defendants' ASA drive, Mr. Vachani's email accounts and any other sources of relevant information? Please advise as to what time and in what format we may expect to receive this information.

Also, I believe Mr. Vachani indicated that he would get back to us today regarding the missing databases related to the number of Launch Promotion messages that were sent to Facebook users. Please confirm that we will be receiving this information today as well.

Thank you.

Morvarid



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